

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA

FILED

SEP - 9 2003

CLERK
U.S. BANKRUPTCY COURT
By
DEPUTY CLERK

In the Matter of the Adoption
of Local Bankruptcy Rules

GENERAL ORDER NO. 03-03

ORDER ADOPTING LOCAL BANKRUPTCY RULES AND FORMS

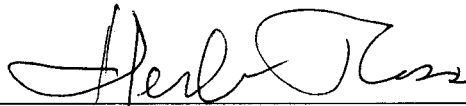
In accordance with Miscellaneous General Order No. 880 of the United States District Court which delegates authority to adopt amendments to the Local Bankruptcy Rules to this court,

IT IS ORDERED that the attached Local Bankruptcy Rules 3015-1, 3015-2, 3015-3, 5005-2 and 9004-1, and Local Bankruptcy Forms 6A and 6B for the United States Bankruptcy Court for the District of Alaska are adopted effective from and after **December 1, 2003**.

IT IS FURTHER ORDERED that, upon its approval and adoption by the United States District Court, the attached Local Bankruptcy Rule 9033-2 will also be adopted by the United States Bankruptcy Court for the District of Alaska effective from and after **December 1, 2003**.

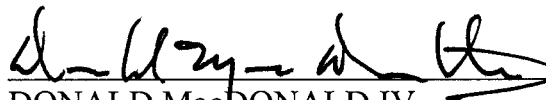
DATED: September 8, 2003.

BY THE COURT



HERBERT A. ROSS

United States Bankruptcy Judge



DONALD MacDONALD IV

Chief United States Bankruptcy Judge

Serve: W. Wolfe, Clerk of Court
C. Davidson, Librarian
T. Yerbich, Esq. (without attachments)

Rule 3015-1 Chapter 13 Plans

(a) **Format.** Unless otherwise ordered by the court, a chapter 13 plan must conform to AK LBF 5 and include the plan and liquidation analyses attached to AK LBF 5.

(b) **Contents.**

(1) The Alaska Permanent Fund Dividend is to be included in paragraph 1(b) of AK LBF 5 and may not be included in the regular periodic payments provided in paragraph 1(a).

(2) Paragraph (2)(e) of AK LBF 5 may be modified to provide separate classes of unsecured claims to the extent provided by §1322(b)(1) of the Code.

(3) The following matters may not be accomplished through a chapter 13 plan:

[A] lien avoidance;

[B] objections to claims; and

[C] dischargeability of debts.

(c) **Dismissal/Conversion.** Any party may file a motion to convert or dismiss if the plan or an extension of time to file a plan is not filed within the fifteen (15) days required by statute.

(d) **Service of Plan.** *[Abrogated]*

(e) **Payroll Deduction.** Following a default of two (2) monthly payments, all future wage earner debtor chapter 13 plan payments will be by payroll deduction.

(f) **Reporting Income/Expenses.**

(1) Schedules of income and expenses, and required periodic financial reports, if any, must clearly delineate the source and amount of gross receipts and projected expenditures.

(2) Expenses incident to the production of any non-wage income must be accurately set forth.

(g) **Certification.** The plan must be signed by the debtor and debtor's attorney, which signatures constitute certification that the plan complies with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and this rule.

Related Provisions:

11 U.S.C. § 1322	Contents of Plan
11 U.S.C. § 1324	Confirmation Hearing
11 U.S.C. § 1325	Confirmation of Chapter 13 plan
11 U.S.C. § 1326	Payments
FRBP 1007(b)	Lists, Schedules and Statements; Time Limits — Schedules and Statements Required
FRBP 2002	Notices
FRBP 3007	Objections to Claims
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 7001	Adversary Proceedings
FRBP 9014	Contested Matters
AK LBR 2003-1	Meeting of Creditors
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3015-2	Confirmation of Chapter 13 Plans
AK LBR 3015-3	Objections to Valuation
AK LBR 9070-1	Number of Copies

AK LBF 5
AK LBF 19

Chapter 13 Plan (w/ Plan Analysis)
Notice of Time for Filing Objections to Application for Extension
of Time to File Chapter 13 (11) Plan

Rule 3015-2 Confirmation of Chapter 13 Plans

(a) **Applicability of Rule.** Unless otherwise ordered by the court, in all chapter 13 cases the plan confirmation process will conform to this rule.

(b) **Confirmation Without a Hearing.**

(1) The chapter 13 plan may be confirmed without a hearing if:

[A] the trustee recommends confirmation; and

[B] no objection to the plan is filed.

(2) Even if the trustee does not recommend confirmation or if an objection is filed, the plan may be confirmed without a hearing by a stipulated order of confirmation.

(c) **Service of the Plan.**

(1) The debtor must mail the chapter 13 plan, plan analysis and Notice of Date to File Objections to creditors not later than thirty (30) days after the filing of the petition.

(2) The trustee may lodge a dismissal order if the plan is not timely noticed to creditors.

(d) **Objections to Confirmation.**

(1) Any objection to the confirmation of the plan must be:

[A] in writing;

[B] filed not later than the last day for filing a proof of claim, other than a claim by a governmental unit; and

[C] served on—

[i] the trustee,

[ii] debtor, and

[iii] debtor's attorney.

(2) [A] An objection to confirmation must set forth with specificity the grounds for objection, identifying those provisions of §§ 1322 or 1325 of the Bankruptcy Code with which the plan does not comply.

[B] An objection that does not comply with the requirements of ¶ (2)[A] may be disregarded by the court.

(e) **Trustee's Recommendation.** Not later than thirty (30) days after the last day for filing objections, the trustee must:

(1) file a recommendation on plan confirmation;

(2) serve the recommendation on—

[A] the debtor,

[B] debtor's counsel, and

[C] any party having filed an objection; and

(3) if the trustee recommends confirmation and no objection has been timely filed, lodge a proposed order confirming the plan.

(f) **Amendment of Plans.**

(1) The proposed plan may be amended at anytime prior to the hearing scheduled under subdivision (g).

(2) Any amendment prior to confirmation must be in the form of an amended plan.

(3) Where a timely objection has been made, the plan will not be confirmed until the objecting party has withdrawn the objection or after a hearing is held as provided in subdivision (g).

(4) [A] Where the amendment does not adversely affect any other party in interest, the court may confirm the plan as amended without notice or a hearing.

[B] Where the amendment would adversely affect another party in interest, the plan as amended must be mailed to each adversely affected party with a notice providing twenty (20) days to object to the amendment.

(5) If no objection is made within the time allowed, the court may confirm the plan as amended without a hearing.

(g) Objections Not Resolved by Amendment of the Plan.

(1) Where an objection to a proposed chapter 13 plan or the trustee's recommendation that the plan not be confirmed cannot be resolved by an amendment to the proposed plan, the court will hold a confirmation hearing to resolve the objection.

(2) Within twenty (20) days after the trustee has filed a recommendation that the plan not be confirmed or an objection to the plan is filed, the debtor must:

[A] (i) file an amended plan, and

(ii) serve the amended plan, together with notice of the time to object, on the trustee and all objecting parties; or

[B] submit a calendar request (AK LBF 7) to set the matter for a confirmation hearing.

(3) The trustee may lodge a dismissal order if the debtor does not timely file an amended plan or calendar request as provided in ¶ (g)(2).

(h) Notice of Confirmation Hearing. The debtor must give notice of a confirmation hearing to the trustee and any party who has filed an objection to the plan not less than twenty-five (25) days prior to the hearing date.

(i) Payments by Trustee. Unless otherwise ordered by the court, upon notice and hearing, for good cause shown, the trustee will commence payments under the plan not later than sixty (60) days after the later of the entry of the order confirming the plan or the last day for filing a proof of claim by a governmental unit.

Related Provisions:

11 U.S.C. § 1324	Confirmation Hearing
11 U.S.C. § 1325	Confirmation of Chapter 13 plan
FRBP 2002	Notices
FRBP 3002	Filing Proof of Claim or Interest
FRBP 3007	Objections to Claims
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 9014	Contested Matters
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-3	Objections to Valuation
AK LBR 9070-1	Number of Copies
AK LBF 5	Chapter 13 Plan (w/ Plan Analysis)
AK LBF 6A	Notice of Date to File Objections to Plan
AK LBF 6B	Notice of Date to File Objections to Amended Plan
AK LBF 7	Bankruptcy Court Calendar Request

3015-3 Objections to Valuation

(a) Objection.

(1) A secured creditor who disagrees with the debtor's valuation of the creditor's secured claim must file a timely objection to the plan.

(2) The objection must state the:

[A] creditor's opinion of the value of the collateral;

[B] method of determining the value; and

[C] amount of the claim that is secured.

(3) Upon receipt of the objection, if requested by the creditor, the debtor must make the collateral available for examination and appraisal.

(b) Response by Debtor. Not later than fifteen (15) days after an objection to valuation has been served and filed, the debtor must file and serve on the trustee and the objecting creditor:

(1) an acceptance of the creditor's valuation; or

(2) a calendar request (AK LBF 7) to set a hearing on the issue of valuation.

(3) Failure of the debtor to file a timely calendar request under ¶ (b)(2) will be deemed an acceptance of the creditor's valuation.

(c) Mandatory Discovery Exchange.

(1) Not later than ten (10) days before the hearing set on valuation the parties must exchange all valuation data and appraisals.

(2) Any party refusing or failing to comply with this subdivision may be subjected to such sanctions as the court may deem appropriate under the circumstances, including the assessment of costs and attorney's fees or the exclusion of the evidentiary materials not produced.

Related Provisions:

11 U.S.C. § 1324	Confirmation Hearing
11 U.S.C. § 1325	Confirmation of Chapter 13 plan
FRBP 2002	Notices
FRBP 3002	Filing Proof of Claim or Interest
FRBP 3007	Objections to Claims
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 9014	Contested Matters
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-2	Confirmation of Chapter 13 Plans
AK LBR 9070-1	Number of Copies
AK LBF 5	Chapter 13 Plan (w/ Plan Analysis)
AK LBF 6A	Notice of Date to File Objections to Plan
AK LBF 6B	Notice of Date to File Objections to Amended Plan
AK LBF 7	Bankruptcy Case Calendar Request

AK LBR 9004-1
AK LBR 9013-1
AK LBR 9021-1
AK LBR 9036-1
AK LBR 9070-1
AK LBF 37

Form of Pleadings and Other Papers
Briefs; Memoranda
Orders, Findings, Conclusions, Judgments
Request for Notice by Electronic Transmission
Number of Copies
Declaration re: Electronic Filing

RULE 5005-2 ELECTRONIC CASE FILING

(a) Procedures.

(1) The filing of documents in electronic format will be in accordance with this rule and the electronic filing procedures promulgated by the Clerk of the Court.

(2) Participants in the Case Management/Electronic Case Filing ("CM/ECF") System are responsible for ensuring that current filing procedures are followed.

(b) Registration of Attorneys.

(1) *Registration.*

[A] Each attorney admitted to practice before the court, including those attorneys who have been admitted *pro hac vice* under AK LBR 2090-1(b), is entitled to one CM/ECF System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System.

[B] An attorney may become registered to participate in the CM/ECF System upon completion of training and submission of an Attorney Certification for CM/ECF form to the court.

(2) *Consent to Electronic Notice and Service.* Participation in the CM/ECF System by receipt of a password from the Court, constitutes:

[A] a request for service of notice electronically under Rule 9036, Federal Rules of Bankruptcy Procedure; and

[B] consent to receive notice and service by electronic means in each case in which a formal entry of appearance as a party or attorney for a party has been made.

(3) *Unauthorized Use of Passwords.*

[A] No participant may knowingly permit or cause to permit the participant's password to be utilized by anyone other than an authorized employee of the participant's law firm.

[B] No person may knowingly utilize or cause another person to utilize the password of a registered attorney unless the person is an authorized employee of the law firm.

(4) *Compromised Password.*

[A] Each participant in the CM/ECF System is responsible for maintaining the integrity of the participant's password.

[B] In the event a participant has reason to believe that the password issued to the participant has been compromised or otherwise may be subject to use by an unauthorized person, the participant must immediately:

(i) cancel the existing password and issue a new password; and

(ii) notify the Clerk of the Court in writing of the change.

(5) *Withdrawal.*

[A] A participant may withdraw from participation in the CM/ECF System by providing the Clerk of Court with written notice of withdrawal.

[B] Upon receipt, the Office of the Clerk will immediately cancel the participant's password and delete the participant from any applicable electronic service list.

(c) Signatures.

(1) *Attorney.* The electronic filing of a petition, pleading, motion or other paper by an attorney who is a registered participant in the CM/ECF System constitutes the signature of that attorney under Rule 9011, Federal Rules of Bankruptcy Procedure.

(2) *Debtors.*

[A] For all petitions, lists, schedules and statements requiring the signature of the debtor(s) that are filed electronically, a Declaration Re: Electronic Filing, AK LBF 37, must be prepared by the participant, bearing the original signatures of the debtor(s) and their attorney.

[B] The declaration constitutes the debtor(s) original signatures for filing purposes.

[C] The original declaration must be:

(i) signed before the petition is filed; and

(ii) conventionally filed with the Bankruptcy Court within fifteen (15) days of the date the petition is electronically filed.

(3) *Other Documents*. Unless the pleading or paper being electronically filed is an imaged (scanned) document bearing a digital copy of the original signature, it must indicate that it has been signed by means of a signature designation: *e.g.*, "/s/ Jane Doe."

(4) *Verified Documents*.

[A] Verified documents (affidavits or declarations under penalty of perjury as provided in 28 U.S.C. § 1746), are to be filed electronically.

[B] Unless the verification of the document is being made by the attorney who is electronically filing it (use of the attorney's password constitutes signature by the attorney), the original verified document must be hand delivered or placed in the mail to the clerk's office within one (1) business day of the date of electronic filing, with a copy of the Notice of Electronic Filing for that document attached.

[C] The clerk will retain the original document in the permanent records of the court.

(d) Electronic Filing.

(1) *Mandatory Electronic Filing*.

[A] Except as expressly otherwise provided in this Rule or in exceptional circumstances that prevent a participant from filing electronically, all petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the court in connection with a case assigned to the CM/ECF System must be electronically filed by participants in the CM/ECF System.

[B] Parties and attorneys who are not participants in the CM/ECF System will continue to file all pleadings and papers conventionally.

(2) *Related Documents*. All documents must be filed separately, except that exhibits to a document must be filed as attachments to that document under the same docket number.

[A] Where documents related to a motion or other pleading are being filed concurrently with the motion or other pleading, *e.g.*, a motion, memorandum of law and a supporting affidavit, the related documents must be filed separately and shown as being a document related to the motion or other pleading.

[B] If documents being submitted electronically have lengthy exhibits, the filing of relevant excerpts of the exhibits is preferred and permitted without prejudice to the right of any party to file additional excerpts or the complete exhibit with the court at any time.

(3) *Emergency Motions*.

[A] Emergency motions, supporting pleadings and objections are to be filed electronically as provided in this rule.

[B] The party filing the motion must promptly advise the judge's law clerk or secretary of the filing telephonically.

(4) *Proposed Orders, Findings and Judgments*.

[A] Unless otherwise ordered by the court, participants in the CM/ECF System must submit all proposed orders, findings of fact and conclusions of law and judgments electronically, in accordance with the CM/ECF Administrative Procedures Guide.

[B] A participant who submits orders, findings of fact and conclusions of law, and judgments electronically may reduce the number of first class postage stamped envelopes required to be submitted to the court under AK LBR 9021-1(c)(1)[B] for any party entitled to service of the document who is also a participant in the CM/ECF System in the case for which the document is being submitted.

(5) *Calendar Requests.*

[A] Unless otherwise ordered by the court, participants in the CM/ECF System must submit all Bankruptcy Court Calendar Requests, AK LBF 7, electronically, in accordance with the CM/ECF Administrative Procedures Guide.

[B] A participant who submits a calendar request electronically is not required to submit self addressed, stamped envelopes to the court as required by AK LBR 9075-1(c)(1).

(e) **Service.**

(1) The filing party must serve the pleading or other paper being electronically filed upon all persons entitled to notice or service in accordance with otherwise applicable rules.

(2) If a person entitled to notice or service is a registered participant in the CM/ECF System in the case in which the pleading or other paper is being filed, service by electronic means of the Notice of Electronic Filing is deemed the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

(3) Notwithstanding the foregoing, service of a summons and complaint in an adversary proceeding or an involuntary bankruptcy proceeding and a motion under Rule 9014 must continue to be made under Rule 7004, Federal Rules of Bankruptcy Procedure.

(f) **Docketing.**

(1) *Entry on Docket.* The electronic filing of a pleading or other paper in accordance with CM/ECF System Procedures constitutes entry of that pleading or other paper on the docket kept by the clerk under Rule 5003, Federal Rule of Bankruptcy Procedure.

(2) *Notice to Filing Party.* Whenever a pleading or other paper is filed electronically in accordance with CM/ECF System Procedures, the System will automatically generate a "Notice of Electronic Filing" by electronic means at the time of docketing.

(3) *Entry of Orders and Judgments.*

[A] The Office of the Clerk will enter all orders, decrees, judgments, and proceedings of the court in accordance with CM/ECF System Procedures, which constitutes entry of the order, decree, judgment, or proceeding on the docket kept by the clerk under Rule 9021, Federal Rules of Bankruptcy Procedure.

[B] On all orders submitted electronically, the Office of the Clerk will place the notation "**FILED ON**_____" on the first page of the order, and will insert the date that the order is entered on the docket. The date so inserted will be the equivalent of the conventional "date filed" stamp for all purposes.

(4) *Titles.* The person electronically filing a pleading or other document is responsible for designating a title for the document by using one of the categories contained in the CM/ECF System.

(g) **Documents not to be Filed Electronically.** The following documents are to be filed conventionally and not electronically unless specifically authorized by the court:

(1) *Documents to be Filed under Seal.*

[A] A motion to file document(s) under seal is to be filed electronically; however, the actual document(s) to be filed under seal must be filed conventionally.

[B] A paper copy of the motion to file document(s) under seal or, if the motion has been granted, a paper copy of the order authorizing the document(s) to be filed under seal, must be attached to the document(s) to be filed under seal at the time the documents are delivered to the Office of the Clerk.

(2) *Exhibits to Pleadings.*

[A] Wherever possible, documents being filed as exhibits, including but not limited to leases, notes, and the like, should be electronically imaged (*i.e.*, "scanned") and filed as part of the document referring to the exhibit using Portable Document Format (PDF).

[B] Exhibits that are not available in electronic form are to be filed conventionally, attached to a copy of the Notice of Electronic Filing for the electronically filed document to which the exhibit(s) relate.

(3) *Proofs of Claim.* Proofs of Claim and all supporting documents are to be filed conventionally.

(4) *Summons to be Issued by the Clerk.* All summons to be issued by the Clerk are to be filed conventionally.

(5) *Trial and Hearing Exhibits.*

[A] Exhibit lists, to the extent that the filing thereof is otherwise required by applicable rules of bankruptcy procedure, are to be filed electronically.

[B] The actual exhibits are to be submitted conventionally as provided by otherwise applicable rules of bankruptcy procedure.

(6) *Transcripts.*

[A] Whenever possible, transcripts, or the relevant portions thereof, should be electronically imaged (*i.e.*, "scanned") and filed as part of the document referring to the transcript using Portable Document Format (PDF).

[B] Transcripts that are not available in electronic form are to be filed conventionally, attached to a copy of the Notice of Electronic Filing for the electronically filed document to which the transcript(s) relate.

(7) *Report of Balloting.* The certification of balloting, with original ballots attached, filed in accordance with AK LBR 3018-1, must be filed conventionally.

(8) *Statement of Social Security Number.* The Statement of Social Security Number submitted in accordance with Rule 1007(f), Federal Rules of Bankruptcy Procedure, must be submitted conventionally.

(9) *Service of Conventionally Filed Documents.* Pleadings or other documents filed conventionally under this subsection must be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules except as otherwise provided by order of the court.

(h) **Fees.** Unless other arrangements are made with the Clerk of Court, any required fee for a document filed electronically must be mailed to the Clerk of the Court not later than the next business day or hand delivered to the Clerk of the Court not later than the second business day next immediately following the filing.

(i) **Copies and Certified Copies.** Conventional copies and certified copies of electronically filed documents may be obtained at the Office of the Clerk, 605 West Fourth Avenue, Room 138, Anchorage, Alaska 99501-2296. A fee for copying and certification will be charged and collected

in accordance with 28 U.S.C. § 1930.

(j) Technical Failures.

(1) If a participant in the CM/ECF System is unable to transmit a time-critical document for electronic filing, due to technical failure of either the CM/ECF System or the participant's system, or due to internet congestion or internet service provider problems, the participant must promptly contact the Clerk of the Court and make arrangements for conventional filing of the document.

(2) Unless exceptional circumstances exist that prevent the document from being transmitted during regular business hours, as defined in AK LBR 5003-1(d), the participant must make every effort to transmit any time-critical document during regular business hours on the date the document is due.

(k) Consequences for Noncompliance.

(1) Effect of Failure to Make Payment.

[A] In the event of nonpayment of the fee for filing a petition, the petition may be dismissed by the court after a hearing on shortened time of not less than five (5) days notice.

[B] In all other matters, if the required fee is not paid as provided in subsection (h), the motion or application for which the fee is required will be deemed withdrawn by the party making the motion or application and, except as may be otherwise ordered by the court for cause, no further proceedings on the motion or application will take place.

(i) Notice of the deemed withdrawal will be given electronically by the Clerk of the Court to all interested parties in the case who have requested notice by electronic means.

(ii) The party who filed the motion or application must, no later than two (2) business days thereafter, give notice of the deemed withdrawal to all parties in interest to whom notice of the motion or application was given.

(2) Effect of Failure to File Declaration Re: Electronic Filing. In the event that a participant fails to timely file the Declaration Re: Electronic Filing, AK LBF 37, as provided in paragraph (c)(2), the petition may be dismissed by the court after a hearing on shortened time of not less than five (5) days notice.

(3) Other Consequences. In addition to the foregoing, any misuse of the CM/ECF System, or intentional noncompliance with its requirements, may result in revocation of the participant's login and password privileges and/or the imposition of sanctions as provided in District of Alaska Local Rule 1.3.

Related Provisions:

FRBP 1007	Lists, Schedules, and Statements; Time Limits
FRBP 5005	Filing and Transmittal of Papers
FRBP 7005	Service and Filing of Pleadings and Other Papers
AK LBR 1002-1	Petitions
AK LBR 1005-1	Caption of Petitions
AK LBR 1007-1	Matrix
AK LBR 1007-2	Form of Schedules and Statements
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 2002-1	Notices
AK LBR 3002-1	Claims
AK LBR 7005-1	Electronic Service

RULE 9004-1 FORM OF PLEADINGS AND OTHER PAPERS

(a) **Form in General.** Except as otherwise provided in these rules, all documents, including exhibits, other than forms prescribed elsewhere, presented for filing with the clerk or intended for use of the judge must:

- (1) be upon letter size (8½ inches X 11 inches) white paper of good quality, reasonably opaque and not onionskin;
- (2) have a margin of not less than 1 inch on all four sides of each page;
- (3) be two-hole punched at the center of the top of each page, unless the document is being filed electronically;
- (4) be either in original clear and legible typewriting, or in clear and legible printing;
- (5) be in either double-spaced or one-and-one-half-spaced typewriting or printing, except that quotations exceeding fifty (50) words are to be single-spaced and indented;
- (6) if consisting of more than one page, have each consecutive page numbered at the bottom of each page;
- (7) be printed or written upon only one side of the paper;
- (8) utilize ten (10) point or ten (10) pitch type; and
- (9) each pleading filed as a separate document with all pages of each document stapled or clipped together.

(b) **Notices.**

(1) Notices served upon creditors and parties in interest may be doubled-sided and single-spaced to conserve paper.

(2) Original notices filed with the court must be single-sided.

(c) **Information to be Placed on First Page.** The first page of each document must be prepared as follows:

(1) [A] The name, address, telephone number and facsimile/telecopier number of the attorney appearing for a party to an action or proceeding and the name of the party, or of a person appearing without an attorney, typewritten or printed in the space to the left of center of the paper and beginning at least 1 inch below the top edge.

[B] Following the name, address and telephone number, indicate the party represented, *e.g.*, Attorney for Creditor John Doe, Attorney for Trustee, as appropriate.

(2) The title of the court is to be centered on the paper and commence not less than ½ inch below the name, address and telephone number of the attorney or person appearing without an attorney.

(3) [A] A space not less than 2 inches in length above the title of the court and to the right of center on the page to be reserved for the filing marks of the clerk.

[B] The file number of the action or proceeding is to be placed below this space.

[C] For a main case filing, the main case number only is placed in this space; for an adversary filing, the adversary number is placed in this space (*see* Official Form 16C).

(4) The title of the action or proceeding is inserted below the title of the court in the space to the left of the center of the paper.

(5) A brief designation of the nature of the document and the relief sought, if any, is to be placed below the title of the court and file number, and either centered or to the right of center of the page; and

(6) Names are to be typed or printed beneath signatures on all documents.

(d) **Reference to Other Parts of Pleading.**

(1)[A] In any action brought upon or any proceeding involving serial notes, bonds, coupons, or

obligations for the payment of money that are of the same form, tenor and effect, and are issued under the same law, or by the same authority, and differing only in number, date of maturity or amount, it will be sufficient for the plaintiff to set forth in one claim of the complaint one note, bond, coupon, or obligation, either verbatim or according to legal effect.

[B] The remaining notes, bonds, coupons or obligations may be pleaded, in the same or another claim of the complaint, by a general reference or description sufficient to identify them with like effect as if they had been set forth verbatim.

(2)[A] Similar practice may be followed in any pleading where any two or more documents of similar form, tenor or effect are set forth.

[B] Any similar document referred to in any pleading may be set forth either in the body of the pleading or in an exhibit attached thereto.

(e) Exclusion of Personal Identifying Data

(1) This subsection applies to proceedings brought under Rules 7001, 9013 and 9014, Federal Rules of Bankruptcy Procedure.

(2) In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court.

[A] **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

[B] **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.

[C]. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.

[D] **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

(3) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal.

[A] This document will be retained by the court as part of the record.

[B] The court may, however, require the party to file a redacted copy for the public file.

(4) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

Related Provisions:

FRBP 1005

Caption of Petition

FRBP 1007

Lists, Schedules, and Statements; Time Limits

Rule 9033-2 Certification to District Court Under 11 U.S.C. § 110(i)

(a) Motion.

(1) A matter brought by a debtor, trustee, or creditor against a bankruptcy petition preparer under 11 U.S.C. § 110(i) is commenced by filing a motion with the Clerk of the Bankruptcy Court.

(2) The motion must specify:

[A] Those provisions of § 110 alleged to have been violated;

[B] The acts alleged to be fraudulent, unfair, or deceptive; and

[C] The damages claimed.

(3) A motion brought under this rule is a contested matter governed by Rule 9014, Federal Rules of Bankruptcy Procedure.

(4) The motion filed with the Clerk of the Bankruptcy Court will be deemed filed in the district court for the award of the damages claimed upon certification as provided in subsection (d).

(b) **Response.** Unless otherwise ordered by the court, the bankruptcy petition preparer against whom the matter is brought must serve and file a response within twenty-five (25) days after the motion is served and filed.

(c) Denial by Bankruptcy Court.

(1) The bankruptcy court must deny the motion if the bankruptcy court finds that:

[A] Section 110(i) is not applicable; or

[B] There is insufficient factual basis to support a finding that the bankruptcy petition preparer committed any act proscribed by § 110(i).

(2) Denial of the motion under this subsection constitutes a final order.

(d) Certification and District Court Proceedings.

(1) Except as provided herein, certification by the bankruptcy court to the district court as provided in § 110(i)(1) is governed by Rule 9033, Federal Rules of Bankruptcy Procedure.

(2) The proposed findings of fact and conclusions of law will include the findings of the bankruptcy court regarding damages, if any, to be awarded.

(3) The standard of review employed by the district court will be:

[A] Findings of fact, other than concerning damages, will be reviewed for an abuse discretion; and

[B] Findings of fact concerning damages and questions of law will be reviewed *de novo*.

(4) A request for hearing in the district court is governed by D.Ak. LR 7.2

(5) Award of attorney's fees is governed by D.Ak. LR 54.3(a).

Related Provisions:

11 U.S.C. § 110	Penalty for persons who negligently or fraudulently prepare bankruptcy petitions
FRBP 9014	Contested Matters
FRBP 9033	Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings
D.Ak. LR 7.2	Hearings
D.Ak. LR 54.3	Award of Attorney's Fees
AK LBR 9013-2	Motion Practice

AK LBF 6A

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ALASKA**

NOTICE OF DATE TO FILE OBJECTIONS TO PLAN

* Unless otherwise ordered, on the same date as the claims bar date set under Rule 3002(c) for claims other than claims by a governmental unit

(Name of Attorney)
(Name of Firm)
(Address)
(Telephone)
(Telefax)

AK LBF 6B

Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ALASKA**

In re

(Debtors' Names)

Debtor(s)

) Case No.
) Chapter: 13
)

**NOTICE OF DATE TO FILE
OBJECTIONS TO MODIFIED PLAN**

YOUR RIGHTS MAY BE AFFECTED. *You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy. (If you do not have an attorney, you may wish to consult one.)*

Notice is given that the debtor has filed the enclosed modified plan and that pursuant to order of the court, confirmation of the modified plan is governed by the following requirements:

1. Any objections to confirmation must be in writing, filed with the clerk and copies served on the following parties no later than (date *):

Clerk, U.S. Bankruptcy Court
605 W. Fourth Avenue, Rm 138
Anchorage, AK 99501-2296

Trustee: Larry D. Compton
400 D Street, Suite 210
Anchorage, AK 99501-2342

(Debtor's Name)
(Address)
(City, State, Zip)

(Debtor's Attorney)
(Address)
(City, State, Zip)

2. The trustee's written recommendation is to be filed within 30 days after the above date to file objections to confirmation.
3. If no objection is filed and the trustee recommends confirmation, the modified plan may be confirmed without a hearing.
4. If an objection is filed and/or if the trustee does not recommend confirmation, the modified plan may be confirmed without a hearing provided that the trustee and all objecting creditor(s) agree to a stipulated order. If unable to so agree and stipulate, a hearing will be set with notice to the debtor, debtor's attorney and each objecting party.
5. The failure of a party in interest to timely file an objection to confirmation constitutes acceptance of the modified plan or motion under 11 U.S.C. § 1325 (a)(5)(A).

Dated: _____, 200__

(Name of Attorney Firm)

By

(Attorney's Name)
Attorney for Debtor(s)

* Unless otherwise ordered not less than
20 days after mailing of the notice.